

REMARKS

Claims 1-22 are currently pending and stand rejected as per the following obviousness rejections:

- (i) Claims 1 and 15 stand rejected as being unpatentable over U.S. Patent No. 4,786,891 to Ueda in view of U.S. Patent No. 6,788,895 to Trezzza;
- (ii) Claim 14 stands rejected as being unpatentable over U.S. Patent No. 4,762,391 to Margolin in view of Trezzza and in further view of U.S. Patent No. 5,262,635 to Curbelo
- (iii) Claims 2-10, 12-13 and 16-18 stand rejected as being unpatentable over Ueda in view of Trezzza and Curbelo;
- (iv) Claim 11 stands rejected as being unpatentable over Ueda in view of Trezzza and Curbelo as applied to claims 2 and 10 above and further in view of U.S. Patent No. 5,747,978 to Gariboldi.

With regard to claims 19-22, the Examiner's rejection is not based on cited art, but rather Examiner's opinion that such claims do "not present patentable subject matter."

Applicants respectfully disagree with the above obviousness rejections and maintain that the obviousness rejections are both legally and factually deficient for the same reasons as articulated in Applicants previous Amendment. In order to establish a *prima facie* case of obviousness, the Examiner must show, for example, how the claimed invention, as a whole, is disclosed or suggested by the cited references. Here, from reading the "Response to Arguments" section of the Office Action (pages 11-12), it appears that the Examiner's arguments are premised on hindsight reasoning to pick and

choose from among various cited references in an effort to meet the elements of the claimed inventions without giving due consideration to the claimed inventions, as a whole.

For instance, on page 11 of the Office Action, the Examiner asserts that “application argues that the combination of references and Trezza in particular fails to specifically teach an array of photo sensors.” This is a gross mischaracterization of Applicants’ previous argument. To reiterate, in the previous Amendment filed on September 1, 2005, Applicants argued essentially that the combination of Trezza and Ueda does not disclose or suggest an *optical detector comprising an array of photo-sensors* that enable electronic alignment a fiber optic strand to the detector, as essentially claimed in the inventions of claims 1 and 15, for example.

Indeed, Applicants previously acknowledged that in general, both Ueda and Trezza disclose an “array of photo sensors”, but that the purpose and function of the photo sensor arrays in both Ueda and Trezza were distinct and unrelated to the claimed inventions. The Examiner cannot establish obviousness based merely on a general disclosure by Ueda and Trezza of an “array of photo sensors”. At the very least, the Examiner must show how the combination of Ueda and Trezza teaches “an optical detector comprising an array of photo sensors, wherein the photo sensor array is used to electronically align a fiber optic cable to the optical detector, as essentially claimed in claims 1 and 15.

In the Response to Arguments, the Examiner seems to suggest that a “detector comprising an array of photo sensors” is a feature that is not claimed. This is simply wrong. Claims 1 and 14 clearly recite “a photo-detector device comprising an array of

photo-sensors” and claim 15 clearly recites a photo-detector device having an array of photo-sensors.” In fact, the Examiner has yet to explain how this claim feature is taught by the cited references.

With regard to claim 14, Applicants maintain that Examiner’s reliance on Margolin is misplaced. In the Response to Arguments, the Examiner cites various sections of Margolin as teaching electronically aligning an optical fiber to a photo-detector device comprising an array of photo sensors, based on photo sensor signals output from the photo-sensors in the array, as essentially claimed in claim 14. Applicants respectfully disagree with Examiner’s characterization of Margolin in this regard.

In particular, Margolin teaches (Col. 5, line 49 – Col. 6, line 8) a process whereby a bundle of optical fibers are disposed to face an array of photo sensors (75) and each fiber is electronically aligned to a single photo sensor in the array. This is different from the claimed inventions whereby an optical fiber is electronically aligned to a detector that comprises an array of photo sensors. In other words, in the claimed inventions, the optical fiber is not aligned to a single photo sensor, but rather the optical fiber is aligned to the detector based on the output signals generated from the photo sensors.

Moreover, with respect to claim 14, there is no motivation for combining the teachings of Margolin and Curbelo as against claim 14. Margolin teaches electronic alignment of an optical fiber to a single photo-sensor in an array of photo sensor. As acknowledged by the Examiner, Margolin does not teach the claimed controller having AC and DC extracting circuitry, etc. Indeed, such circuitry is not needed in Margolin as Margolin does not combine the output signals from actuated photo sensors in the photo

sensor array forming the photo detector for the purpose of generating a detection signal for the photo-detector, as essentially claimed.

In this regard, despite Curbelo's purported general teaching of AC and DC extraction circuits, there is no motivation to modify Margolin with the teachings of Curbelo as Margolin actually teaches away from such combination. Indeed, even assuming, *arguendo*, that Curbelo's extraction circuits perform functions similar to the claimed functions of the claimed controller (which they clearly do not), the Examiner has not shown why it would have been obvious to modify the "controller" of Margolin to include AC and DC extraction circuits for each photosensor in the array of photo sensors, especially given that Margolin teaches alignment of an each optical fiber in a bundle of fibers to a single photo sensor in an array of photo sensors and does not combine the outputs of a plurality of photo sensors to generate a detection signal. In short, the combination of Margolin and Curbelo is legally deficient to establish a *prima facie* case of obviousness against claim 14.

With regard to rejections (iii) and (iv) above for claims 2-13 and 16-18, since these rejections are based, in part, on the combination of Ueda and Trezzza as applied to base claims 1 and 15, these rejections would be improper for at least the above reasons given for claims 1 and 15.

Moreover, with regard to the rejection of claims 19-22, since such rejections are based on Examiner's opinion rather than cited art, the Examiner is requested once again to provide an Affidavit as is required to attest to Examiner's personal knowledge as to the technical basis that such claims do "not present patentable subject matter." Otherwise, Examiner must withdraw the rejection of such claims.

Accordingly, for at least the above reasons, withdrawal of the obviousness rejections is respectfully requested.

Respectfully submitted,



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